

**REMARKS/ARGUMENTS**

Claims 1-4 and 6-16 are pending.

Claims 1-4 and 6-16 stand rejected.

Claims 2 and 3 have been canceled, without prejudice.

Claim 5 has been previously canceled, without prejudice.

Claims 1 and 4 has been amended. Support for this amendment can be found throughout the specification and drawings, as originally filed.

**35 USC §102(e) REJECTION**

Claims 1-2, 6-11 and 13-14 stand rejected under 35 USC §102(e) as being unpatentable over Horvitz et al. (USPN 6,021,403).

The Applicants respectfully traverse the 35 USC §102(e) rejection of claims 1-2, 6-11 and 13-14. Dependent claims 2 and 3 have been canceled, without prejudice, the language thereof being substantially incorporated into independent claim 1.

The law is clear that a person shall be entitled to a patent unless the invention was described in an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for the purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language. 35 USC §102(e).

The law is also clear that a claim in dependent form shall be construed to incorporate all the limitations of the claim to which it refers. 35 U.S.C. 112, fourth paragraph.

In the interests of expediting prosecution of the instant application, and without admission that any amendment is required, the Applicants have amended claim 1 to recite, among other things, a method for utilizing a help software program having a plurality of user databases and a knowledge database, said method comprising the steps of: (1) identifying the user, (2) obtaining an identification code of the identified user, (3) searching the user databases to link the identification code with one of the user databases, (4) accessing specific user data from the linked user database that has been generated as a result of at least one previous interaction between the identified user and the help software program and that is specifically related to the identified user, (5) receiving a user's natural language input, (6) *utilizing a natural language simulator to parse the natural language input before interpreting the natural language input*, (7) interpreting the natural language input, (8) formulating a response by integrating the natural language input from the user with specific user data from the linked user database and data from the knowledge database, (9) submitting the response to the user, *wherein submitting the response to the user includes submitting a natural language response in the form of a complete sentence* to interact with the user in a completely natural language conversation, (10) updating the linked user database with the natural language input and response thereto, whereby future responses to the identified user may refer to the updated linked user database for the identified user, the help program working in conjunction with a computer related application for interacting with a user in a natural language format

when the user requires assistance in relation to the computer related application, and (11) formatting the response includes uniquely molding the response to the identified user based upon the specific user data from the linked user database.

Horvitz et al. does not teach any such methodology as recited in independent claim 1.

Specifically, as the Examiner has correctly noted, Horvitz et al. does not teach the utilization of “a natural language simulator to parse the natural language input before the step of interpreting the natural language input.” Furthermore, contrary to the Examiner’s assertion, Horvitz et al. does not teach a method for submitting the response to the user, ***wherein submitting the response to the user includes submitting a natural language response in the form of a complete sentence*** to interact with the user in a completely natural language conversation, as presently claimed. The citation of column 23, lines 48-64 of Horvitz et al. does not support the Examiner’s assertion. The cited portion of Horvitz et al., as well as Fig. 21, only disclose the response as consisting of a best guesses box (see element 201) consisting of cryptic, non-sentence format topics that would require the user to interpret in order to determine their potential relevance. Clearly, none of the topics in the best guesses list box can be considered complete sentences that would connote an ongoing natural language conversation between the user and the help program. A display of a laundry list of topics does not comprise a natural language conversation.

Because claim 1 is allowable over Horvitz et al. for at least the reasons stated above, claims 4 and 6-14, which depend from and further define claim 1, are likewise allowable.

Accordingly, the Applicants contend that the 35 U.S.C. 102(e) rejection of claims 1, 4 and 6-14 has been overcome.

Furthermore, the Applicants contend that Horvitz et al. does not render claims 1, 4 and 6-14 obvious.

The standard for obviousness is that there must be some suggestion, either in the reference or in the relevant art, of how to modify what is disclosed to arrive at the claimed invention. In addition, "[s]omething in the prior art as a whole must suggest the desirability and, thus, the obviousness, of making" the modification to the art suggested by the Examiner. *Uniroyal, Inc. v. Rudkin-Wiley Corp.*, 837 F.2d 1044, 1051, 5 U.S.P.Q.2d (BNA) 1434, 1438 (Fed. Cir.), cert. denied, 488 U.S. 825 (1988). Although the Examiner may suggest the teachings of a primary reference could be modified to arrive at the claimed subject matter, the modification is not obvious unless the prior art also suggests the desirability of such modification. *In re Laskowski*, 871 F.2d 115, 117, 10 U.S.P.Q.2d (BNA) 1397, 1398 (Fed. Cir.1989). There must be a teaching in the prior art for the proposed combination or modification to be proper. *In re Newell*, 891 F.2d 899, 13 U.S.P.Q.2d (BNA) 1248 (Fed. Cir. 1989). If the prior art fails to provide this necessary teaching, suggestion, or incentive supporting the Examiner's suggested modification, the rejection based upon this suggested modification is error and must be reversed. *In re Bond*, 910 F.2d 831, 15 U.S.P.Q.2d (BNA) 1566 (Fed. Cir. 1990).

As previously noted, Horvitz et al. does not disclose or suggest the utilization of "a natural language simulator to parse the natural language input before the step of interpreting the natural language input." Furthermore, Horvitz et al. does not disclose or suggest a method for submitting the response to the user, *wherein submitting the*

*response to the user includes submitting a natural language response in the form of a complete sentence* to interact with the user in a completely natural language conversation, as presently claimed. Horvitz et al. only discloses that the response consists of a best guesses box (see element 201) consisting of cryptic, non-sentence format topics that would require the user to interpret in order to determine their potential relevance. Clearly, none of the topics in the best guesses list box can be considered complete sentences that would connote an ongoing natural language conversation between the user and the help program. A display of a laundry list of topics does not comprise a natural language conversation.

Thus, one of ordinary skill in the art would not look to Horvitz et al. for guidance on a method for utilizing a help software program having a plurality of user databases and a knowledge database, as presently claimed.

Accordingly, the Applicants contend that Horvitz et al. does not render claims 1, 4 and 6-14 obvious.

### **35 USC §103(a) REJECTION**

Claims 3-4 stand rejected under 35 USC §103(a) as being unpatentable over Horvitz et al. (USPN 6,021,403) in view of Noyes (USPN 5,379,366).

The Applicants respectfully traverse the 35 USC §103(a) rejection of claims 3-4. Dependent claim 3 has been canceled, without prejudice, the language thereof being substantially incorporated into independent claim 1.

As previously noted, Horvitz et al. does not render obvious independent claim 1 for at least the reasons set forth above. The recitation of Noyes does not cure the deficiencies in the teachings of Horvitz et al.

While Noyes may arguably disclose the step of utilizing a natural language simulator to parse the natural language input, Noyes fails to disclose or suggest a method for submitting the response to the user, *wherein submitting the response to the user includes submitting a natural language response in the form of a complete sentence* to interact with the user in a completely natural language conversation, as presently claimed.

Additionally, Noyes does not disclose or suggest a help program that is used in conjunction with a computer software program, but rather is directed solely towards information recognition, storage, and use patterns. More specifically, although the user can interact with the system, it is merely for the purpose of viewing or retrieving information that has been cross-referenced with a myriad of other bits of information. Again, there is no provision in Noyes of interacting with the user to solve a problem, especially based on the user's previous interaction with the computer program. Furthermore, there is no suggestion in Noyes that any response to the user, regardless of its purpose, is in any way uniquely molded to the user based upon specific user data from a linked user database. That is, any response disclosed by Noyes would seem to be based solely on the contents of the information database, and has nothing whatsoever to do with any one specific user, his or her history with the system, or his or her past interactions with the system. Therefore, a natural language response in the form of a complete sentence is never contemplated by Noyes.

Thus, one of ordinary skill in the art would not look to Horvitz et al. and/or Noyes, either alone or in combination therewith, for guidance on a method utilizing a help software program having a plurality of user databases and a knowledge database, as presently claimed.

Because claim 1 is allowable over Horvitz et al. and/or Noyes, either alone or in combination therewith, for at least the reasons stated above, claim 4, which depends from and further defines claim 1, is likewise allowable.

Accordingly, the Applicants contend that the 35 U.S.C. 103(a) rejection of claim 4 has been overcome.

### **35 USC §103(a) REJECTION**

Claim 12 stands rejected under 35 USC §103(a) as being unpatentable over Horvitz et al. (USPN 6,021,403) in view of Thomson (USPN 5,634,051).

The Applicants respectfully traverse the 35 USC §103(a) rejection of claim 12.

As previously noted, Horvitz et al. does not render obvious independent claim 1 for at least the reasons set forth above. The recitation of Thomson does not cure the deficiencies in the teachings of Horvitz et al.

While Thomson may arguably disclose the step of accessing a product database, compiling information from the product databases, and determining if any of the compiled information should be forwarded to the identified user with the response, Thomson fails to disclose or suggest a method for submitting the response to the user, *wherein submitting the response to the user includes submitting a natural language*

*response in the form of a complete sentence* to interact with the user in a completely natural language conversation, as presently claimed.

Additionally, Thomson fails to suggest formulating a response by integrating a natural language input from the user with specific user data from the linked user database and data from the knowledge database. Thomson does not access specific user data regarding past interactions with the help software program from a user database. Thus, as the Examiner has already acknowledged, it would be impossible to integrate this information with other sources of information to formulate a response, if it is not being collected, accessed and processed in the first place. Therefore, a natural language response in the form of a complete sentence is never contemplated by Thomson.

Thus, one of ordinary skill in the art would not look to Horvitz et al. and/or Thomson, either alone or in combination therewith, for guidance on a method utilizing a help software program having a plurality of user databases and a knowledge database, as presently claimed.

Because claim 1 is allowable over Horvitz et al. and/or Thomson, either alone or in combination therewith, for at least the reasons stated above, claim 12, which depends from and further defines claim 1, is likewise allowable.

Accordingly, the Applicants contend that the 35 U.S.C. 103(a) rejection of claim 12 has been overcome.

### **35 USC §103(a) REJECTION**

Claim 15 stands rejected under 35 USC §103(a) as being unpatentable over Horvitz et al. (USPN 6,021,403) in view of Dekelbaum et al. (USPN 5,838,682).



The Applicants respectfully traverse the 35 USC §103(a) rejection of claim 15.

As previously noted, Horvitz et al. does not render obvious independent claim 1 for at least the reasons set forth above. The recitation of Dekelbaum et al. does not cure the deficiencies in the teachings of Horvitz et al.

While Dekelbaum et al. may arguably disclose the step of determining the need for human intervention and accessing human intervention in a natural language format such that the interaction with the help program and a human representative appears seamless to the user, Dekelbaum et al. fails to disclose or suggest a method for submitting the response to the user, *wherein submitting the response to the user includes submitting a natural language response in the form of a complete sentence* to interact with the user in a completely natural language conversation, as presently claimed.

Additionally, it is not clear whether the system disclosed by Dekelbaum et al. actually presents a truly seamless appearance to the user, as the user is required to first contact the sales representative who then essentially commandeers the home page that the user is viewing by ordering the server to provide a new home page on the user's computer screen. This hardly seems like a seamless transaction from the user's viewpoint.

Therefore, one of ordinary skill in the art would not look to Horvitz et al. and/or Dekelbaum et al., either alone or in combination therewith, for guidance on a method for utilizing a help software program having a plurality of user databases and a knowledge database, as presently claimed.

Because claim 1 is allowable over Horvitz et al. and/or Dekelbaum et al., either alone or in combination therewith, for at least the reasons set forth above, claim 15, which depends from and further limits independent claim 1, is likewise allowable.

Accordingly, the Applicants contend that the 35 U.S.C. 103(a) rejection of claim 15 has been overcome.

### **35 USC §103(a) REJECTION**

Claim 16 stands rejected under 35 USC §103(a) as being unpatentable over Horvitz et al. (USPN 6,021,403) in view of Johnson et al. (USPN 5,978,455).

The Applicants respectfully traverse the 35 USC §103(a) rejection of claim 16.

As previously noted, Horvitz et al. does not render obvious independent claim 1 for at least the reasons set forth above. The recitation of Johnson et al. does not cure the deficiencies in the teachings of Horvitz et al.

While Johnson et al. may arguably disclose the step of formulating a pricing plan for the help program based upon the amount of time the user engaged in conversation with the help program, Johnson et al. fails to disclose or suggest a method for submitting the response to the user, *wherein submitting the response to the user includes submitting a natural language response in the form of a complete sentence* to interact with the user in a completely natural language conversation, as presently claimed.

Additionally, it is not clear whether the system disclosed by Johnson et al. actually discloses a pricing plan in conjunction with a help program per se. The pricing criteria seem to be specific to a conventional telephone system and there is no mention of the pricing criteria applying to a computer help program, as presently claimed.

Therefore, one of ordinary skill in the art would not look to Horvitz et al. and/or Johnson et al., either alone or in combination therewith, for guidance on a method for utilizing a help software program having a plurality of user databases and a knowledge database, as presently claimed.

Because claim 1 is allowable over Horvitz et al. and/or Johnson et al., either alone or in combination therewith, for at least the reasons set forth above, claim 16, which depends from and further limits independent claim 1, is likewise allowable.

Accordingly, the Applicants contend that the 35 U.S.C. 103(a) rejection of claim 16 has been overcome.

### **CONCLUSION**

In view of the foregoing, the Applicant respectfully requests reconsideration and reexamination of the Application. The Applicant respectfully submits that each item raised by Examiner in the Office Action mailed April 16, 2007 has been successfully traversed, overcome or rendered moot by this response. The Applicant respectfully submits that each of the claims in this Application is in condition for allowance and such allowance is earnestly solicited.

The Examiner is invited to telephone the Applicants' undersigned attorney at (248) 723-0487 if any unresolved matters remain.

Any needed extension of time is hereby requested with the filing of this document.

The Commissioner is authorized to charge any additional fees or credit any overpayment to Deposit Account No. 08-2789 in the name of Howard and Howard Attorneys, P.C.

**Respectfully submitted,**

**HOWARD & HOWARD ATTORNEYS, P.C.**

**May 4, 2007**

**Date**

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